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07 DEC 20 PM 4:00

CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

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DEPUTY

BY:

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Case No. 07cr0448-WQH

Plaintiff,

AMENDED ORDER OF
CRIMINAL FORFEITURE

v.

NICHOLAS GREGORY BRIGNONI (2),

Defendant.

On September 21, 2007, this Court entered its Preliminary Order of Criminal Forfeiture, which condemned and forfeited to the United States all right, title and interest of NICHOLAS GREGORY BRIGNONI (2) in the property listed in the Superseding Information, namely,

One 2007 Lexus sedan, VIN JTHBE96S570015934, or an amount up to the value of his interest in said property.

On September 26, 2007, Notice of Order of Forfeiture was sent by certified mail as follows:

Name and Address

Article No.

Result

Robert Hertel
Cynthia E. Hertel
11205 Pinestone Court
San Diego CA 92128-3606

7004 2510 0003 3013 3035

Signed for as received on
or about 9/28/07.

Richard M. Barnett
Attorney at Law
105 West F Street, 4th Floor
San Diego CA 92101

7004 2510 0003 3013 2991

Signed for as received on
9/27/07.

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	<u>Name and Address</u>	<u>Article No.</u>	<u>Result</u>
2	Lexus Financial Services P.O. Box 60114 City of Industry CA 91716-0114	7004 2510 0003 3013 3011	Signed for as received on 9/28/07.
4	Reza Djaveheri Saatchi c/o Thomas J. Warwick, Esq. Grimes & Warwick 2664 Fourth Avenue San Diego CA 92103-6515	7004 2510 0003 3013 3028	Signed for as received on or about 9/27/07.
7	Jason Charles Boris c/o Frank J. Ragen, II Attorney at Law 105 West "F" Street, Suite 215 San Diego CA 92101	7004 2510 0003 3013 3004	Signed for as received on 9/27/07.

10 On October 3, 10 and 17, 2007, the United States published, in a newspaper of general
 11 circulation, notice of the Court's Order and the United States' intent to dispose of the property in
 12 such manner as the Attorney General may direct, pursuant to 21 U.S.C. § 853(n), and further
 13 notifying all third parties of their right to petition the Court within thirty (30) days for a hearing
 14 to adjudicate the validity of their alleged legal interest in the property.

15 On October 10, 2007, Cynthia Hertel filed a Petition for Hearing to Adjudicate Validity of
 16 Petitioner's Interest in Forfeited Property. No other petitions were filed or served in this case.

17 The Government and Petitioner have submitted a Joint Motion to the Court, agreeing
 18 thereby to the following terms:

19 a. Defendant is co-owner of the subject vehicle with Petitioner Cynthia Hertel.
 20 The value of Defendant's net interest in the vehicle has been determined to be \$1,634.00. Upon
 21 payment of this amount, the vehicle will be returned to Petitioner.

22 b. The total amount to be forfeited by the Defendant as a substitute asset for
 23 his interest in the 2007 Lexus, therefore, is \$1,634.00. This amount shall be paid by cashier's
 24 check made payable to the U.S. Marshals Service (USMS) within two weeks after the entry of this
 25 order.

26 c. Upon receipt of the check, the USMS will return the subject vehicle to
 27 Petitioner through her attorney of record, Richard M. Barnett.

d. The United States is not required to publish or notice any third parties as to the forfeiture of the \$1,634.00 because it is a substitute asset in which no third party has an interest.

Accordingly, IT IS HEREBY ORDERED, ADJUDGED AND DECREED that, as a result of the failure of any third party except Petitioner Cynthia Hertel to come forward or file a petition for relief from forfeiture as provided by law, all right, title and interest of NICHOLAS GREGORY BRIGNONI (2) and any and all third parties in the following property are hereby condemned, forfeited and vested in the United States of America:

\$1,634.00 in U.S. Currency as a substitute asset for Defendant's interest in One 2007 Lexus sedan, VIN JTHBE96S570015934.

IT IS FURTHER ORDERED that Petitioner shall pay \$1,634.00 by cashier's check made payable to the U.S. Marshals Service (USMS) within two weeks after the entry of this order. Upon receipt of the check, the USMS will return the subject vehicle to Petitioner through her attorney of record, Richard M. Barnett.

IT IS FURTHER ORDERED that costs incurred by the United States Marshals, the Drug Enforcement Administration and any other governmental agencies which were incident to the seizure, custody and storage of the subject vehicle be the first charge against the \$1,634.00 paid by Petitioner for return of the subject vehicle.

IT IS FURTHER ORDERED that the United States Marshals Service shall dispose of the remainder of the forfeited \$1,634.00, if any, according to law.

IT IS FURTHER ORDERED that the United States District Court shall retain jurisdiction in this case for the purpose of enforcing the Amended Order of Forfeiture and collecting and enforcing the judgment.

IT IS FURTHER ORDERED that following payment of the \$1,634.00 and return of the subject vehicle to Petitioner, this case shall be closed.

SO ORDERED.

DATED:

W.M. Hayes
HONORABLE WILLIAM Q. HAYES
United States District Judge